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September 28, 2018

Hon. George B. Daniels
U.S. District Court
Southern District of New York
500 Pearl Street, Room 1310
New York, NY 10007

Re: *Request for Adjournment - Estate of Meimaris, et al. v. Royce, et al., 18-cv-4363*

Dear Judge Daniels:

This office represents Defendants Joseph E. Royce and Lawrence A. Blatte in this matter. I write with the consent of co-Defendants Tulio Prieto, TBS Shipping Services Inc., and Guardian Navigation to respectfully request that the Initial Pre-Trial Conference, which is currently scheduled for October 2, 2018, be adjourned.

The Initial Pre-Trial Conference in this matter was originally scheduled for August 1, 2018, but was adjourned once to October 2, 2018. (ECF Nos. 20, 57.) By way of background, Plaintiffs filed a formal motion to file a Third Amended Complaint on July 12, 2018. (ECF Nos. 47-48.) Defendants did not oppose that motion but pointed out that the then-proposed TAC still had fatal pleading deficiencies. (ECF Nos. 49, 52.) On August 22, 2018, the Court granted Plaintiffs leave to file the proposed¹ Third Amended Complaint. (ECF No. 58.) The Court also set forth a deadline of October 1, 2018 for Defendants to respond to the Third Amended Complaint. All of the Defendants who have appeared in this matter intend to file motions to dismiss the Third Amended Complaint on that date.² As was clearly set forth in Defendants' prior submissions (ECF Nos. 40, 49 and 52), there are significant, substantive deficiencies with the Third Amended Complaint that cannot be cured by amendment. These deficiencies include, but are not limited to, the statute of limitations. Thus, the expense and burden of engaging in discovery may never be necessary if the motions are decided in Defendants' favor. Moreover, at least three defendants (Mr. Jaime Leroux, Gruposedai and Technisea) have not yet been served with process. (ECF No. 61.) Under such circumstances, discovery could prove to be inefficient and redundant.

¹ Although Plaintiffs were granted leave to file the TAC on August 22, 2018, no pleading was filed until September 20, 2018. (ECF No. 60.) The Clerk's Office later rejected that filing, and Plaintiffs then took that opportunity to refile a TAC that was not the same proposed TAC attached to Plaintiffs' motion for leave to file a TAC. (*Compare* ECF No. 62 with ECF No. 47-2.)

² In their submissions, the Defendants will also be formally requesting a stay of discovery, pending a resolution of the motions to dismiss.

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Plaintiffs do not consent to this application because “everyone had more than ample time to file motions to dismiss prior to the conference. [Plaintiffs are sure Defendants] knew that [they] would be filing motions to dismiss for quite some time now, however failed to do so for whatever reason. [Plaintiffs] do not understand why [Defendants] are all delaying the inevitable, which is going in front of the Judge for a preliminary conference. [Plaintiffs are] not going away. [Ms. Meimaris] is determined to take this case to the end. We do not want to postpone the conference.”

In view of the foregoing, the Defendants respectfully request that the scheduled October 2, 2018 Initial Pre-trial Conference be adjourned *sine die*.

Thank you for your time and attention to this matter.

Respectfully,

BLEAKLEY PLATT & SCHMIDT, LLP

/s/ Adam Rodriguez
Adam Rodriguez

Cc: Counsel of record via ECF or email